

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-16-109
-vs-)	
)	DECISION
JOSHUA CARL KROH,)	
)	
Defendant.)	

On October 24, 2016, the Defendant was sentenced for Count II: Operation of Noncommercial Vehicle by Person with Alcohol Concentration of 0.08 or More, a felony, to the Montana State Prison for ten (10) years and ordered to pay a fine of \$5,000. The Defendant was ordered to pay fees and court surcharges. Defendant was given credit for time served on February 3, 2016 and from October 3, 2016 through October 24, 2016. Conditions for any community supervision time were determined in the Judgment.

On May 5, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Crossroads Correctional Center and was represented by Tim Baldwin of Baldwin Law Firm, PLLC. The State was represented by Mary Leffers Barry of the Yellowstone County Attorney's Office.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 5th day of May, 2017.

DATED this 31 day of may, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson




Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
Joshua Carl Kroh #3007980, Defendant (2)
Hon. Gregory Todd
Brent Getty, Defense Counsel
Victoria White Callender, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division